



***Town of Tyngsborough  
Conservation Commission***

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Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext 116  
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Minutes  
July 26, 2011  
**APPROVED**

**Present:**

**JK:** Jeff Kablik      **JN:** John Nappi      **BM:** Brian Martin      **LB:** Linda Bown      **LG:** Lucy Gertz  
**MM:** Matt Marro, Conservation Director

**Absent:** **JE:** Jerry Earl      **ES:** Ed Smith

**Attachments:**

1. Meeting Agenda
2. Tyngsborough Forest and Trails Committee Sherburne Nature Boardwalk Information

**7:00pm Meeting opened** by Jeff Kablik

**7:02pm 25 Parham Road (a.k.a Thirsty's Pub)(M31A, P114) – Administrative Enforcement**

MM updated the Commission on the status of the Enforcement Order for Thirsty's Pub. Through discussions with Thirsty's attorney Peter Nicosia, the deadline for deliverables was extended from July 1, 2011 to July 20, 2011. The required deliverables were not submitted to Conservation by July 20<sup>th</sup> and MM referred the case to the DEP who extended the deliverable deadline to July 29, 2011. The DEP indicated that this would be the final extension. MM reported that the DEP is requiring a full restoration of the culvert and the land around it, along with a parking lot design. He went on to say that the DEP will also be guiding the process for the design and work at the site, and will require the Commission's input in order to ensure that Thirsty's is in full compliance.

Resident Joe Paquette from 12 Woodlawn St. was present at the meeting and voiced his concerns regarding Thirsty's history of ignoring the Town's mandates. He wanted to express his anger regarding the way Thirsty's has been non-compliant and blatantly stalling. The Commission acknowledged his concerns. JK asked what the Commission could do in the event that Thirsty's did not comply with the July 29<sup>th</sup> deadline. MM said that the Commission could issue an automatic enforcement order.

**LB:** Motion to issue an Enforcement Order to the owners of Thirsty's Pub - 25 Parham Rd. if they fail to comply with the July 29, 2011 deadline submission of a Notice of Intent filing that includes plans that detail remediation and restoration to pre-alteration conditions, including plantings.

**BM:** 2<sup>nd</sup> the motion.

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**7:30pm 358 Westford Road (M9, P68, L0) – Request for Certificate of Compliance, DEP# 309-448**

MM reported that the Order of Conditions issued for this project was to install a new sub-surface sewage disposal system, a new dwelling and driveway. He went on to report that he reviewed the plans and inspected the site for compliance, and everything looks good.

**BM:** Motion to issue a Certificate of Compliance for 358 Westford Rd., DEP# 309-448.

**JN:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**Discussion**

**Tyngsborough Historical Commission** – Maintenance of the property around the barn and preparations for the renovation of the Old Town Hall.

No new updates were available from the Historical Commission.

**Tyngsborough Forest and Trails Committee – Sherburne Nature Center Boardwalk Project**

Brenda Eunson and Patty O'Connor from the Tyngsborough Forest and Trails Committee appeared before the Commission to discuss the process of procuring a contractor for the boardwalk project. Town Administrator Michael Gilleberto was present in order to explain the procurement process and what documentation would be needed in order to write the Request for Proposal (RFP) or bid request. JK indicated that it would be necessary to hire a structural engineer in addition to other experts to properly design and build the boardwalk. MM said that he would get a list of firms that he's dealt with in other towns. In addition, LG would ask her colleagues at the Massachusetts Audubon Society for recommendations. JK added that he would be happy to sit in on any engineer design interviews or discussions, as that is his area of expertise.

**Director's Determinations**

**10 Kendall Road (Old Town Hall)** – Cutting and pruning of trees and overgrown vegetation.

MM and ES toured the site and noted that the removal of a large pine tree and invasive vegetation would not impact the wetlands.

**BM:** Motion to approve the Director's Determination for 10 Kendall Road

**LG:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Abstained: 1 Absent: 2**

**Passes: 4-0-1-2**

**20 Shakespeare St. – 10' x 12' shed on blocks (no footings)**

MM reported that this shed is just outside the buffer zone and is being constructed on a foundation of blocks. No sonotubes would be dug and there would be no footings installed.

**BM:** Motion to approve the Director's Determination for 10 Kendall Road

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

**Minutes/Sign Forms/Other Business**

**Other Business**

**45 Diamond St. – Certificate of Compliance, DEP# 309-451**

MM reported that this request came in earlier this morning for a property that was being sold the following morning. It's a last minute request that he reviewed for compliance and found it to be acceptable.

**BM:** Motion to issue a Certificate of Compliance for 45 Diamond St., DEP# 309-451.

**LB:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

Due to the requirements involved in facilitating a Certificate of Compliance request the Commission discussed implementing a fee for such requests.

**LB:** Motion to implement a \$25 filing fee for Requests for Certificates of Compliance.

**BM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

## **Minutes**

The Commission wished to postpone the approval of minutes until the August 9<sup>th</sup> meeting in order to allow extra time for review.

**8:30pm**

**LB:** Motion to adjourn

**BM:** 2<sup>nd</sup> the motion

**In Favor: 5 Opposed: 0 Absent: 2**

**Passes: 5-0-2**

Respectfully submitted

Pamela Berman, Administrative Assistant